

# OPENING

SBA First Wednesday Seminar starts at 9:30 central time

**small business opportunities**

- ◆ Call-in is 1-866-740-1260, access code 3076601
- ◆ Log-in at [www.readytalk.com](http://www.readytalk.com), same code
- ◆ Support: 800-843-9166. Have access code

**federal government contracting**



**U.S. Small Business Administration**



# DOORS

## Test drive of Ready Talk:

- ◆ Questions: Ask at any time. “Raise your hand” or send a chat.
- ◆ Do not minimize the screen. You will be shut out of system.
- ◆ Put your phone on mute. Unless your office is quiet.
- ◆ We email copies of the PowerPoint upon request.
- ◆ If listening in groups, email participant names and email addresses in Excel for 1102 credit – within a week of training.

*“An investment in knowledge pays the best interest.”*

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## SBA District Offices ([www.sba.gov](http://www.sba.gov))

- Iowa Kansas City
  - Minnesota Nebraska
  - North Dakota Wichita
  - St. Louis South Dakota
- 
- Procurement Technical Assistance Centers  
<http://www.dla.mil/db/procurem.htm>



***“Tell me and I forget. Teach me and I remember. Involve me and I learn.”***



# Why Small Business?

- Employ 51% of all private sector employees and generate 60% to 80% of net new jobs annually
- Create more than 50% of gross domestic product
- Major source of innovation
- All large were once small
- **Taxpayers**

## Why small business? FAR 19.201 General policy

- (a) It is the policy.... to provide maximum practicable opportunities in its acquisitions to small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns.

Such concerns must also have the maximum practicable opportunity to participate as **subcontractors**....

A process of elimination.



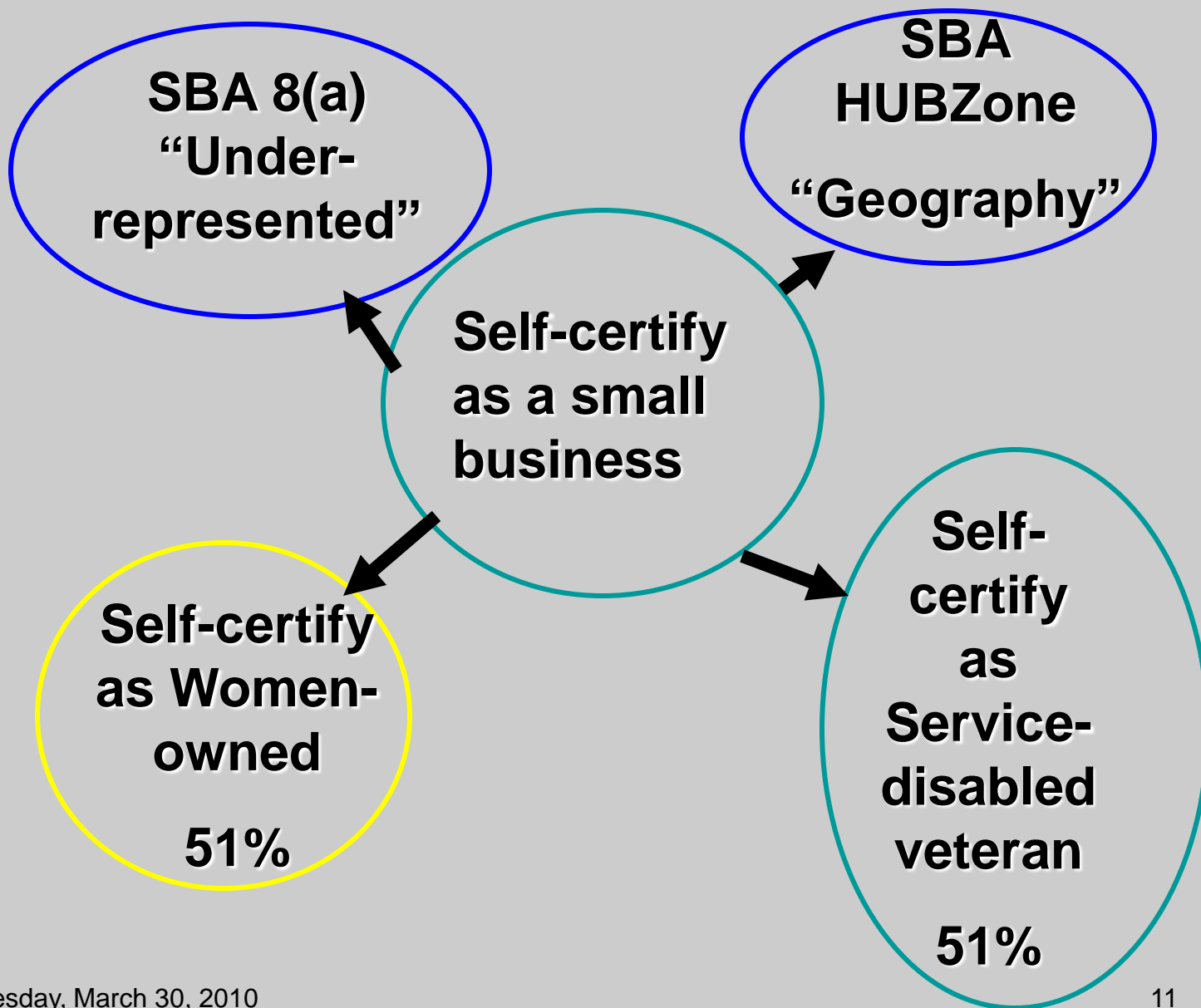
# “SBA’s 8(a) Program: All About Partnerships”

*FAR 19.8*

# Small business and set-asides

	Goal
Small Business	23%
Small disadvantaged business (8(a))	5%
Women-owned small businesses	5%
HUBZone (Historically Underutilized Business Zone)	3%
Service-disabled veterans	3%

## Small business, definitions, and set-asides



Set-asides determined by market research

8(a) **HUBZone** **Service-Disabled Vet**



**Small business**



**Unrestricted competition**



**NEW** NEW MARKETING FEATURE FOR CONTRACTING OFFICERS:  
Use the "Quick Market Search" button above to go to the **Quick Market Search**

**This is generally a self-certifying database. The SBA does not make any representation as to the accuracy of any of the data included, other than certifications relating to 8(a) Business Development, HUBZone or Small Disadvantaged Business status. The SBA strongly recommends that contracting officers diligently review a bidder's small business self-certification before awarding a contract.**

#### Location of Firm:

State(s):

[\(How to make multiple selections.\)](#)

(any state)

- AL - Alabama
- AK - Alaska
- AA - American Atlantic (APO/FPO)
- AE - American Europe (APO/FPO)
- AP - American Pacific (APO/FPO)
- AS - American Samoa
- AZ - Arizona
- AR - Arkansas
- CA - California

[Congressional District:](#)

*(Requires exactly one state from the list at left.)*

2-digit numeric (leading 0 if 1 digit),  
or AL for At Large

[County:](#)  [Lookup](#)

[http://dsbs.sba.gov/dsbs/search/dsp\\_dsbs.cfm](http://dsbs.sba.gov/dsbs/search/dsp_dsbs.cfm)

Area Code or Phone Number

[Metropolitan Statistical Area](#) (4-digit numeric, leading 0's if fewer digits)

[SBA Servicing Office:](#) (4-digit numeric, leading 0's if fewer digits)

Zip Code or Zip Code Initial Fragment (1 to 5 numeric digits)



Print Exit Help  
DSBS Quick Market Search

Quick Market Search

Welcome to Quick Market Search

All search form hotlinks open a new browser window.

Based on the search criteria selected, the Quick Market Search will return an aggregate number of profiles in the following socio-economic categories: HUBZone, 8(a), Small Disadvantaged Business (SDB), Woman-owned, Veteran owned and Service Disabled Veteran-owned in a randomized order. It is also possible to drill down to the specific profiles identified in the search results. (Note: To find small businesses NOT in these socio-economic categories, go to DSBS using the button above.)

Nature of Business (comma separated, up to 5 entries or 40 characters) for:

NAICS Code(s): ☒ Any ☐ All (slower)  [Help](#)

Or keywords (comma separated, up to 25 entries or 125 characters) for:

[Keywords:](#) ☒ Any ☐ All (slower)  [Help](#)

### Location of Firm:

State(s):

[\(How to make multiple selections.\)](#)

(any state)

- AL - Alabama
- AK - Alaska
- AA - American Atlantic (APO/FPO)
- AE - American Europe (APO/FPO)
- AP - American Pacific (APO/FPO)
- AS - American Samoa
- AZ - Arizona
- AR - Arkansas
- CA - California

[Metropolitan Statistical Area](#) (4-digit numeric, leading 0's if fewer digits)

Zip Code or Zip Code Initial Fragment (1 to 5 numeric digits)



# SBA Quick Market Search Results

## Quick Market Search Listing, where

the firm has not opted out of DSBS searches;  
 the firm is small in any of these NAICS codes: 238220;  
 the profile location is in: 'IA';  
 and economic groups randomized by original start time of search: 2009-02-25 05:37:09 PM.

a validation took 0.02 seconds. The search took 0.00 seconds for certifications and 0.00 seconds for non-certifications.

Click on either hotlink in a row to list the firms in the economic group meeting your search criteria.

Economic Group	Number of Firms Found
<a href="#">Currently HUBZone Certified</a>	4
<a href="#">Woman or Women Owned</a>	9
<a href="#">Service-Disabled Veteran</a>	3
<a href="#">Veteran</a>	7
<a href="#">Currently 8(a) Certified</a>	1
<a href="#">Currently SDB Certified</a>	1

# What is the 8(a) Business Development Program?

## *8(a)BD Program*

- 8 (a) BD Program began as a public law and was named after Section 8(a) of the Small Business Act 1953 (Section 204 of Public Law 100-656).
- The 8(a) BD Program is governed by 13 CFR §124.100.
- The 8(a) BD Program was incorporated in Part 19, Small Business Programs of the Federal Acquisition Regulations (FAR) in 1984.

## *8(a) BD Program*

### Objectives:

- “to promote the business development of small business concerns owned and controlled by socially and economically disadvantaged individuals...”
- “to promote the competitive viability of such concerns...”

# *Eligibility Criteria*

## ***Eligibility Criteria***

### **Socially disadvantaged**

individuals are persons who have been subjected to racial or ethnic prejudice or cultural bias because of their identities as members of groups, without regard to individual qualities.





## ***Eligibility Criteria***

**Individuals are presumed to be socially disadvantaged if they are a U.S. Citizen and a member of one of the following groups:**

- Black American
- Asian Pacific American
- Hispanic American
- Native American
- Subcontinent Asian American

## ***Eligibility Criteria***

**Persons not members of a designated group.**

- Must establish a preponderance of evidence.

## ***Eligibility Criteria***

### **Economically Disadvantaged**

Individuals that are socially disadvantaged persons whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit.

## ***Eligibility Criteria***

### **Net worth criterion:**

After excluding the individual's equity in the firm and equity in the primary residence, net worth may not exceed **\$250,000.00**

### **NET WORTH**

Less Equity in primary residence

Less Equity in business

Equals Adjusted net worth



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### The 8(a) Business Development Program

We are pleased to provide you with information on the application process for certification in the 8(a) Business Development Program. The program provides eligible firms with greater access to the resources they need to grow and develop their businesses. This, in turn, improves their ability to compete on an equal footing with other firms in the mainstream American economy.

FAQ

#### Applying On-Line for 8(a) BD Program Certification:

Prior to applying for the 8(a) Program, each firm is urged to take an on-line training and self-evaluation course, which is accessible via the following link: [8\(a\) Business Development Suitability Tool](#).

E-NEWSLETTERS

FREE ONLINE TRAINING

The first section of the on-line course explains the 8(a) Program in detail. It culminates in an eligibility self-assessment test. The test consists of a series of simple yes/no questions that evaluate the degree to which your firm meets the basic qualifications for the 8(a) Program. If you meet the basic eligibility criteria, you will be allowed to apply immediately for the 8(a) Program via the electronic on-line system. If key eligibility criteria are not met, you will be directed to the SBA resource deemed most appropriate to help you at this time. If you would still prefer at this time to apply using the electronic system, please send an e-mail to [BDMIS@sba.gov](mailto:BDMIS@sba.gov) for further guidance and assistance. The average processing time for an electronic application is ninety days.

E-PAYMENTS

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MOST REQUESTED  
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#### Paper-Based Applications

While requiring considerably more time to process, you may also submit a paper application for 8(a) Program certification. A **paper application** may be obtained by means of a written request to:

<http://training.sba.gov:8000/assessment>

8th Floor  
Washington, DC 20416

Upon receipt of your written request, a paper application will be forwarded to you. Please complete the paper application in its entirety and return it to the address shown above. Upon receipt of your completed paper application, the data it contains will be retyped in the

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# *Good Character*



# ***Eligibility Criteria***

## ***Good Character***

### ***What shows lack of good character?***

- Adverse information regarding possible criminal conduct by the applicant or its principals.
- Violations of any SBA regulations.
- Debarred or suspended individuals or firms.
- Applicant firms and principals that lack business integrity as shown by an indictment, guilty plea or civil judgment.
- Any principal who is incarcerated or on parole or probation.

# *Potential for Success*

## ***Eligibility Criteria***

### ***Potential for Success***

#### **Factors considered:**

- Must be in business in its primary NAICS code for at least two full years immediately prior to the date of its 8(a) application.
- Proof of two years operation in the firm's primary industry as verified by revenues reported in business tax returns.
- Financial capability: sufficient capitalization, financial performance, bonding capacity, manageable debts.
- Managerial and Technical capability: performance on previous contracts, firm has the necessary personnel, licenses, certifications, facilities, prior experience.

## ***Eligibility Criteria***

### ***Potential For Success Cont'd...***

- Management capability: Education, experience and training of CEO and other managers, magnitude and complexity of past/current jobs, management systems.
- Qualifications for ability to perform on Federal contracts: relevant contracting experience, ability to meet Federal procurement policies.

# *Ownership*

Tuesday, March 30, 2010

# ***Eligibility Criteria***

## **Ownership**

- At least 51% unconditional ownership by the disadvantaged person(s).
- Partnerships: Agreements must reflect unconditional ownership.
- Limited Liability Company: Disadvantaged individuals must own at least 51% of each class of member interest.



## ***Eligibility Criteria***

### **Ownership**

#### **Corporations**

- Disadvantaged persons must own at least 51% of each class of voting stock and at least 51% of all outstanding stock.
- Stock option plans for non-disadvantaged individuals will be viewed as if they have been exercised.

## ***Eligibility Criteria***

### ***What Constitutes Control?***

The Disadvantaged Individual must:

- Hold the position of President or Chief Executive Officer, Managing Partner or LLC Managing Member
- Be the highest compensated individual
- Have the ability to Hire and Fire
- Set Policies
- Have the ability to commit firm to contracts
- Have the ability to the control Budget and Financial Disbursement



# *Size*

Tuesday, March 30, 2010

## ***Eligibility Criteria***

### ***Size***

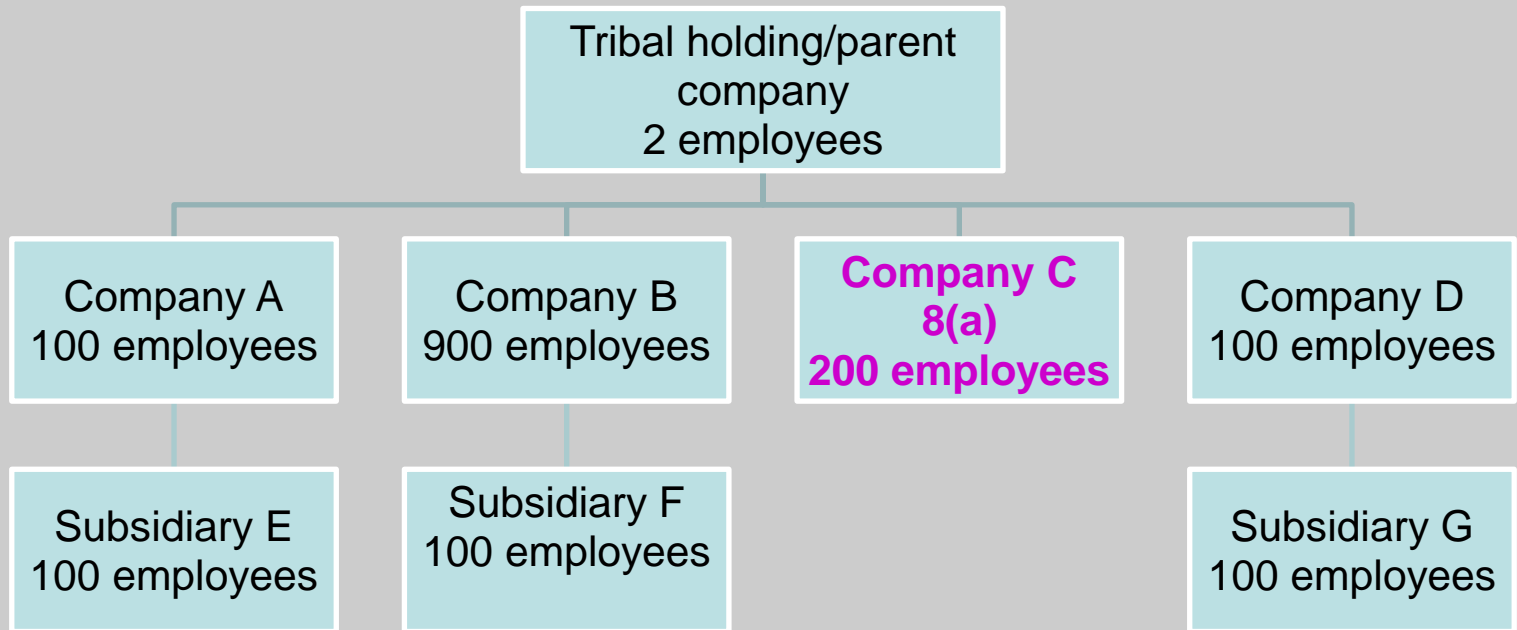
Firms must be small based on their primary NAICS Code, including affiliates.

- Size is determined either by:
  - Average 3 years revenues (construction and services)
  - Number of employees (manufacturers, dealers, wholesalers)

See 13 CFR 121 Size Regulations or visit our website:  
[www.sba.gov](http://www.sba.gov)

•

Affiliation waiver: Tribally-owned 8(a) firm must be “small”



1500 employee size standard: Can 8(a) company C be considered “small?” Yes.

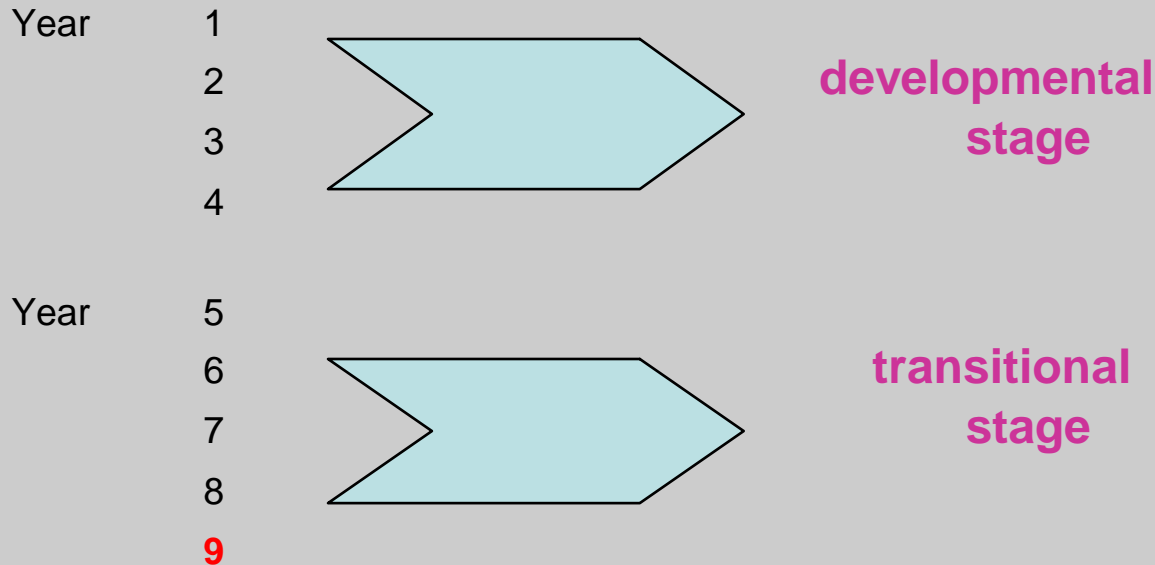
Would the tribal holding/parent company be considered “small?” No.

# *What is expected of 8(a)BD Program Participants?*



## Program stages

START = date of approval



Continuation in the program is dependent on the firm's continuing eligibility as a socially and economically disadvantaged owned/operated firm and continued compliance with the 8(a)BD participation agreement.

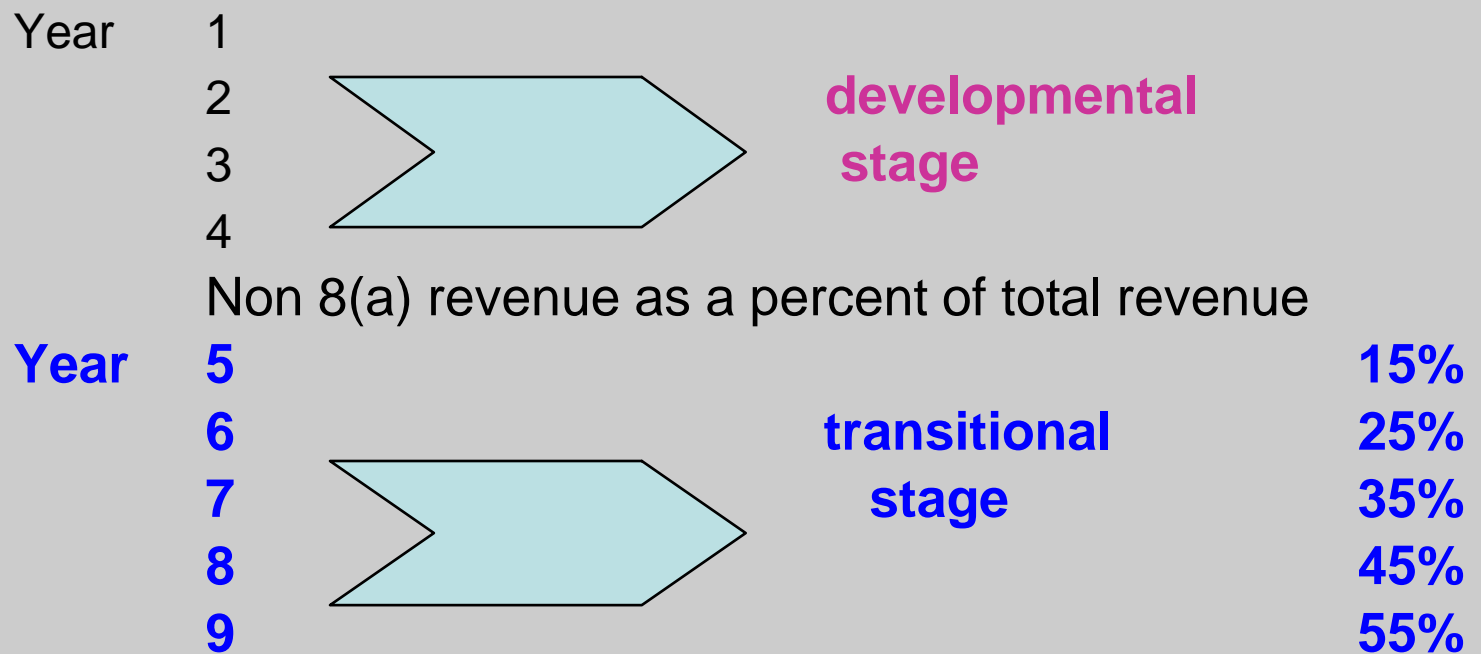
## ***What is Expected of 8(a) BD Program Participants?***

- Submission and annual update of business plan.
- Access to company records by SBA.
- Informing SBA of any changes affecting 8(a)BD eligibility, i.e. changes in business structure, ownership, etc.
- Submission of year end financial statements and annual tax returns.
- Staying current in financial obligations to the Federal Government.

## ***What is Expected of 8(a) BD Program Participants?***

- CCR up-to-date
- Participation in business development training opportunities and networking offered by SBA.
- **Self marketing**

## 8(a) contract eligibility: Competitive business mix



# *8(a)BD Contracting*

## ***8(a) BD Contracting***

### **8(a) Sole Source**

- Contract price, including options, is \$5.5 million or less for manufacturing NAICS codes
- Contract price, including options, \$3.5 or less million for all other contracts



## ***8(a) BD Contracting***

### **8(a) Competition**

- At least two eligible 8(a) BD Participants
- Offers must be fair and reasonable
- Contract price, including options, exceeds \$5.5 million for manufacturing NAICS codes
- Contract price, including options, exceeds \$3.5 million for all other contracts

## ***8(a) BD Contracting***

### ***Offer and Acceptance***

- Procuring Agency's Offering
- SBA Evaluates Offer
- Acceptance/Reject
- Determination of Eligibility
- Contract Award

## ***8(a) BD Contracting***

### ***Waivers***

- Competition Below the Threshold
- Sole Source Above the Threshold

## 19.806 Pricing the 8(a) contract

- (b) An 8(a) contract, sole source or competitive, may not be awarded if the price of the contract results in a cost to the contracting agency which exceeds a fair market price.
- (c) If requested by the SBA, the contracting officer shall make available the data used to estimate the fair market price within 10 working days.

# *8(a) Self-Marketing*

## Limitations on subcontracting compliance FAR clause 52.219-14

<b>Services</b> Provide 50% of personnel costs	<b>Supplies</b> Provide 50% of cost of manufacturing, excluding materials
<b>General Construction</b> Perform 15% of cost of contract with own employees, excluding materials	<b>Special Trade Construction</b> Perform 25% of cost of contract with own employees, excluding materials

SBA Certificate of Competency:  
13CFR125.5



**"Business Development Servicing Office"**

(for certifications):

DES MOINES DISTRICT OFFICE (SBA office code 0761)



**8(a) Certification:**

SBA 8(a) Case Number: 106973  
SBA 8(a) Entrance Date: 05/02/2001  
SBA 8(a) Exit Date: 05/02/2010



Dynamic Small Business Search

**Small Disadvantaged Business Certification:**

SDB Entrance Date: 05/02/2001  
SDB Exit Date: 05/02/2010

**HUBZone Certification:**

HUBZone Certified?: ☐ Yes ☒ No  
HUBZone Certification Date: N/A

**8(a) Joint Venture Certification:**

8(a) JV Entrance Date:  
8(a) JV Exit Date:



Finding where to send offer letters:  
<http://www.sba.gov/aboutsba/sbaprograms/8abd/contacts/index.html>

**DBE Certifications (and State):**

(none)

**Non-Federal-Government Certifications:**

City of Des Moines  
Targeted Small Bus.  
NMSDC Certified

Products & Services

## Products & Services

### Capabilities Narrative:

Nuno Electric is a 24-hour full service electrical contractor. Nuno Electric specializes in commercial and industrial electrical construction, fire alarm, security, card access, voice/data installations, as well as electrical service and repair.

### Special Equipment/Materials:

Full service electrical contractor, electrical service and repair. Trench and bore, voice/data installation, troubleshooting, fire alarm, security, card access, testing, service and repair.

### Business Type Percentages:

Construction (75 %)

Service (25 %)

### Bonding Levels

Construction Bonding Level (per contract)

\$500,000

Construction Bonding Level (aggregate)

\$1,000,000

Service Bonding Level (per contract)

\$0

Service Bonding Level (aggregate)

\$0

Capability

### NAICS Codes and Keywords:

Primary?	Code	NAICS Code's Description	"Buy Green"? <sup>(1)</sup>	Small? <sup>(2)</sup>	Emerging? <sup>(3)</sup>
	238210	Electrical Contractors and other Wiring Installation Contractors.		Yes	Yes
	238220	Plumbing, Heating, and Air-Conditioning Contractors		Yes	Yes

(1) By entering Yes for "Buy Green", the firm asserts that it obeys EPA guidelines for environmental friendliness for this NAICS code. Note, EPA guidelines do not exist for every NAICS code.

(2) If Yes, the firm's revenues/number of employees do not exceed the NAICS code's small business size standard.

(3) If Yes, the firm's revenues/number of employees do not exceed the NAICS code's special small business size standard for the Compositeness Demonstration Program (FAR 19-10). Note, not all NAICS codes are applicable to this program.

(4) "Pending" means that the firm's size for the NAICS code is pending a manual determination by the SBA.

Keywords: Electric Contractor, Electrical, Mechanical, lighting, data cabling, security, fire alarm.

### Miscellaneous:

## Performance History (References)

### References

Name:	Iowa National Guard
Contract:	Card Access/Security
Start:	08/26/2002
End:	10/26/2002
Value:	\$29,500
Contact:	Dale Kumbier
Phone:	515-252-4560

Name:	Koester Construction Company
Contract:	Wesley Acres
Start:	05/01/2001
End:	09/01/2001
Value:	\$65,000
Contact:	Charley Brindley
Phone:	515-243-8182

Name:	Koester Construction Company
Contract:	Weapons Cleaning
Start:	10/01/2000
End:	08/01/2001
Value:	\$59,000
Contact:	Charley Brindley
Phone:	515-243-8182

Name:	General Services Administration
-------	---------------------------------

Past  
performance



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**8(a) STARS**

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**8(a) STARS Ordering Guide**

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## 8(a) STARS Governmentwide Acquisition Contract (GWAC)

**NEW!** The Federal Acquisition Regulation interim rule, effective 9/17/08, addressing FAR 16.505 resulting from the National Defense Authorization Act of 2008 has been posted in the [8\(a\) STARS Contract Library](#). Look for the "8(a) STARS Ordering Guide Addendum 01."

The 8(a) Streamlined Technology Acquisition Resources for Services (STARS) GWAC is a small business set-aside contract for technology solutions. It is designed to promote small business utilization when purchasing technology solutions for the federal government.

**Please note: The solicitation on this contract is closed, no additional vendors can be added to this contract at this time.**

### 8(a) STARS Features

- Multiple award, indefinite-delivery, indefinite-quantity contract vehicle.
- Periods (June 2004 - June 2011).
- Initiated by the North American Industry Computer Programming Services
- Systems Design Services
- Facilities Management Services
- Consulting, Hosting and Related Services
- Computer Related Services
- FA6 NAICS [516110](#) Internet Publishing and Broadcasting
- FA7 NAICS [519190](#) All Other Information Services
- FA8 NAICS [517110](#) Wired Telecommunications Carriers
- Directed task orders up to \$3.5 million each for federal civilian agencies are allowable pursuant to 41 U.S.C. 253(c)(5), 15 U.S.C. 637 and FAR 19.804.6

### CONTACTS

**Howard Innis**  
(816) 823-4658  
[howard.innis@gsa.gov](mailto:howard.innis@gsa.gov)  
[View Contact Details](#)

**Aletha Pelham**  
(816) 823-2456  
[aletha.pelham@gsa.gov](mailto:aletha.pelham@gsa.gov)  
[View Contact Details](#)

### PURCHASING PROGRAMS

- [Alliant Small Business GWAC](#)
- [VETS](#)
- [COMMITTS NexGen](#)

### e-TOOLS

- [FedBizOpps](#)
- [IT Solutions Shop \(ITSS\)](#)

### RELATED GSA TOPICS

- [Small Business GWAC Sales](#)
- [Find Your Regional GSA Office](#)
- [Office of Small Business Utilization](#)
- [Customer Service Directors](#)

GSA and 8(a)  
[www.gsa.gov/8astars](http://www.gsa.gov/8astars)

## How to use the Nonmanufacturer rule for 8(a) or small business set-asides

- Determine the manufacturing NAICS code at [www.naics.com](http://www.naics.com) CFR 13 Sec. 121.402
- Check to see if there is a waiver at [http://www.sba.gov/aboutsba/sbaprograms/gc/programs/gc\\_waivers\\_nonmanufacturer.html](http://www.sba.gov/aboutsba/sbaprograms/gc/programs/gc_waivers_nonmanufacturer.html)
- If there is a waiver, set the acquisition aside for 8(a) or other small business
- Or go for a waiver of the NMR

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Special Notice

Waivers of the Nonmanufacturer Rule Program

### Waivers of the Nonmanufacturer Rule

Section 303 (h) of Public Law 100-656 and Section 210 of Public Law 101-574 incorporated into the Small Business Act requires that agency contracts be directed solely to small business manufacturers under set-aside provisions. This requirement is commonly referred to as the Nonmanufacturer Rule. The Small Business Act also contains provisions that allow the Administrator of the SBA to waive this requirement when there are no small business manufacturers or processors available to supply the product to the Federal Government. The Administrator has delegated the authority to make decisions on waivers of the Nonmanufacturer Rule to the Associate Administrator for Government Contracting in the following cases:

> after reviewing a determination by a contracting officer that no small business manufacturer or processor can reasonably be expected to offer a product meeting the specifications (including period of performance) required of an offeror or by the

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BUDGET AND  
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These two types of waivers of the Nonmanufacturer Rule are regularly referred to as "individual waivers" or "solicitation-specific" and "class waivers."

Class Waivers

For the purpose of waivers, a class of products is defined based on the Office of Management and Budget's North American Industry Classification (NAICS) Manual and, at the present time, on the General Services Administration's Product and Service Code Directory. Within each four-digit code are subdivisions of products that can be considered

[http://www.sba.gov/aboutsba/sbaprograms/gc/programs/gc\\_waivers\\_nonmanufacturer.html](http://www.sba.gov/aboutsba/sbaprograms/gc/programs/gc_waivers_nonmanufacturer.html)



# Mentor protégé and Joint Ventures

## *8(a) Joint Venture*

An agreement..

..between an eligible 8(a) participant and one or more other business concerns

..to establish a new legal entity solely for the purpose of performing a specific 8(a) contract.

Contract is then awarded to the Joint Venture entity rather than to one or more of the participants.

## 8(a) Joint Venture (Continued)

- ◆ 8(a) firm must manage and furnish employee project manager.
- ◆ 8(a) firm must earn at least 51% of profits.
- ◆ SBA District Office approves each JV submission.
- ◆ JV is project specific..
- ◆ At least one firm is 8(a) certified and less than one half the size standard corresponding to the NAICS code assigned to the contract.
- ◆ JV must qualify as small business.
- ◆ 3-2 rule applies.

<http://www.sba.gov/8abd/> 8(a) regs at 13 CFR 124.513

8(a) JV resource website: [http://www.sba.gov/dc/DC\\_8AJV.html](http://www.sba.gov/dc/DC_8AJV.html)

# *SBA Mentor-Protégé Program*

- ☞ Tool for 8(a) Participants
- ☞ Approved at SBA headquarters
- ☞ Mentors to Provide Assistance
- ☞ Enhance the Capabilities of the Protégé
- ☞ Large SBA approved mentor may form a joint venture with 8(a) protégé and the JV entity is considered small for any Federal procurement.

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### Mission

To be responsive to the needs of small businesses seeking business development assistance.



### Highlights

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- > [Electronic 8\(a\) Certification and Annual Review System Users Guide](#)
- > [Guide to the 8\(a\) Business Development Program](#)
- > [Mentor Protégé Template](#)
- > [SBA Approved Mentor-Protege](#)

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<http://www.sba.gov/aboutsba/sbaprograms/8abd/index.html>

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SBA RESOURCE  
PARTNERS

# SBA Partnership Agreements

Tuesday, March 30, 2010





Programs and services to help  
you **start**, **grow** and **succeed**

> En Español

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BUDGET AND  
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### 8(a) Business Development Program

SBA Program Office

SBA Programs

- > [Agency for International Development](#)
- > [Agriculture Department](#)
- > [Boundary and Water Commission](#)
- > [Commerce Department](#)
- > [Consumer Product Safety Commission](#)
- > [Court Services and Offender Supervision Agency](#)
- > [Defense Department](#)
- > [Education Department](#)
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- > [Institute of Museum and Library Services](#)
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[http://www.sba.gov/aboutsba/sbaprograms/8abd/8ABD\\_EXEC\\_PARTNER\\_AGREEMENT.html](http://www.sba.gov/aboutsba/sbaprograms/8abd/8ABD_EXEC_PARTNER_AGREEMENT.html)

## The Process-How it works

- The SBA and the partner agency share the responsibility of maintaining compliance with contracting functions as provided for in the Federal Acquisition Regulation (FAR) and the agencies' internal regulations and Standard Operating Procedures (SOP).
- Although SBA is not signing the executed contract between the eligible firm and the procuring activity, SBA remains a party to the agreement and maintains its responsibilities for ensuring the integrity of the 8(a) BD Program.

## Objectives

- The Partnership Agreement requires that both SBA and the partner agency share the responsibilities of contract execution as they relate to the oversight, monitoring and compliance with procurement laws and regulations governing 8(a) contracts between SBA and the partner Agency.

## Objectives (cont.)

- The Partnership Agreement reduces the time an agency's contracting office sends an offering letter to SBA and the time that the agency receives SBA's decision regarding the acquisition, to a maximum of five working days;
- SBA delegates the authority (to the procuring agency) to sign contracts on its behalf;

## Objectives (cont.)

- SBA remains the prime contractor on all 8(a) contracts and must receive copies of the executed contract and any subsequent modifications to the contract.
- The Agreement establishes uniform policies and procedures regarding application of purchase orders utilizing 8(a) contracting procedures.

## Scope

- The Partnership Agreement provides for the award of both contracts and purchase orders under the provisions of Section 8(a) of the Act as implemented by the FAR Subpart 19.8 and SBA's 8(a) BD program regulations found at 13 C.F.R. Part 124.
- The Partnership Agreement encompasses all competitive and non-competitive acquisitions of a requirement offered by a partner agency's contracting offices and accepted by SBA for the 8(a) BD program.





## SBA's Responsibilities

- SBA remains the prime contractor on all 8(a) contracts and the 8(a) Participant remains as SBA's subcontractor.
- SBA shall review the Agency offering letters, issue acceptance or rejection letters, and make eligibility determinations for award.
- SBA shall review all proposed joint venture agreements involving 8(a) Participants before contract award.



## SBA's Responsibilities (cont.)

### **Sole Source Procurements:**

- Within five working days of receipt of an offering letter, SBA will issue either an acceptance letter or rejection letter.
- Note: Acceptance is not automatic. Some of the reasons a requirement may be rejected are:
  - Adverse impact.
  - Non-compliance with business activity targets.
  - Pending termination or suspension from 8(a) BD program.
- If SBA does not respond within those five working days, the Agency may assume the offer has been accepted on the sixth working day.

## SBA's Responsibilities (cont.)

### **Sole Source Procurements (Cont.):**

- Acceptance shall include a size verification (where appropriate) and determinations with respect to all elements of eligibility (i.e., determinations of adverse impact, North American Industry Classification System (NAICS) code appropriateness and 8(a) program eligibility).

## SBA's Responsibilities (cont.)

### **Competitive Acquisitions:**

- SBA will issue an acceptance letter or rejection letter within five working days of receipt of an offering letter.
- Absent a notification of rejection within five working days of receipt of the offer, acceptance may be assumed on the sixth working day.



## SBA's Responsibilities (cont.)

### **Competitive Acquisitions (cont.)**

- Within two working days upon receipt of a request from the contracting officer, SBA shall issue an eligibility determination for the apparent awardee or, (in the case of a negotiated procurement), for all firms in the competitive range.





## SBA's Responsibilities (cont.)

### **Competitive Acquisitions (cont.)**

- In the case of a negotiated procurement, following receipt of initial offers (including price), and within two working days after a request from the contracting officer, SBA shall issue an eligibility determination for all firms in the competitive range, if discussions are to be conducted.





## SBA's Responsibilities (cont.)

### Competitive Acquisitions (cont.)

- If no discussions are to be conducted, SBA will issue an eligibility determination for all firms with a realistic chance of award within two working days after a request from the contracting officer.

## SBA's Responsibilities (cont.)

### **Simplified Acquisitions:**

- SBA will review the program eligibility of the 8(a) Participant within two working days after a request from the contracting officer. SBA's review is limited to program eligibility only.
- No offering or acceptance letter is required for requirements processed under the simplified acquisition procedures threshold.



## SBA's Responsibilities (cont.)

### Simplified Acquisitions: (cont.)

- If SBA does not notify the agency that the selected 8(a) firm is ineligible for the award within two working days of receipt of the offer, the 8(a) firm's eligibility to receive the award may be assumed on the third working day.

## SBA's Responsibilities (cont.)

- All proposed joint venture agreements involving 8(a) firms shall be reviewed and approved by SBA before contract award.
- SBA will provide 8(a) Participants with contract negotiation assistance or direct them to appropriate resources where they can obtain technical assistance in contract negotiations when requested by either the 8(a) Participant or the contracting officer.

## SBA's Responsibilities (cont.)

- SBA also works with the procuring activities by identifying potential requirements suitable for 8(a) set-aside contract awards.
- SBA will submit capability statements to the appropriate procuring activities for the purpose of matching requirements consistent with the 8(a) Participants' capability.
- SBA is responsible for ensuring that 8(a) Participants comply with all applicable provisions relating to continuing eligibility for 8(a) BD program participation.



## SBA's Responsibilities (cont.)

- SBA also maintains oversight as to requirements that have been accepted and will follow up with the agency's Office of Small and Disadvantaged Business Utilization, or equivalent (with a copy to the appropriate senior procurement executive) if contract award documents (and or modifications) have not been received by the SBA district office.



## Procuring Agency's Responsibilities

- The Partnership Agreement requires that the partner agency inform all its contracting officers and other warranted officials who award 8(a) contracts of the responsibilities concerning the agreement.
- The partner agency is responsible for reporting all 8(a) contract awards, modifications, and options to SBA until such time as the agreement expires or is terminated.
- The partner agency is required to adhere to all provisions of contractual assistance identified in 13 C.F.R.. §§ 124.501 through 124.520; as well as the applicable provisions of the FAR Subpart 19.8.

## Procuring Agency's Responsibilities (cont.)

- To determine which requirements are suitable for offering to the 8(a) BD program in accordance with FAR Part 19, Subpart 19.8, and, working with the appropriate SBA servicing office, to identify 8(a) Participants capable of performing these requirements.

## Procuring Agency's Responsibilities (cont.)

- The contracting officer or other warranted official, shall monitor and ensure 8(a) contract compliance requirements in accordance with FAR Subparts 19, 42 and 52 and 13 C.F.R. Part 124.
- All delegated authority contract awards, modifications, options and purchase orders will include monitoring and oversight provisions to ensure that all contracts comply with the work performance requirements in accordance with FAR Subpart 19.811-3(e) and 13 C.F.R. Section 124.510.

## Procuring Agency's Responsibilities (cont.)

- The contracting officer or other warranted official shall request an eligibility determination from SBA's district office responsible for servicing the selected 8(a) Participant, when an 8(a) Participant has been identified on all simplified acquisitions under \$100K prior to issuance of the purchase order.

## Procuring Agency's Responsibilities (cont.)

- For sole source requirements exceeding the simplified acquisition threshold of \$100K, the contracting officer or other warranted official shall submit the offering letter to SBA's district office responsible for servicing the selected 8(a) Participant, when an 8(a) Participant has been identified.
- For sole source requirements when the partner agency has not identified a specific 8(a) Participant for a requirement, the contracting officer or other warranted official shall submit an open offering letter to the SBA district office that services the geographical area where the partner agency's contracting activity is located.



## Procuring Agency's Responsibilities (cont.)

- For competitive 8(a) requirements, the contracting officer or other warranted official shall submit the offering letter to the SBA district office that services the geographical area where the partner agency's contracting activity is located.
- Exceptions: the offering letters for construction work will be sent to the SBA district office located in the geographical area where the work will be performed, or, in the case of construction contracts to be performed overseas, the offering letter shall be submitted to SBA's Headquarters;





## Procuring Agency's Responsibilities (cont.)

- The agency shall submit a request for eligibility determination to the SBA district office servicing the apparent awardee. In the case of a negotiated procurement, following receipt of initial offers including price, the contracting officer may request an eligibility determination for all firms in the competitive range, if discussions are to be conducted.
- The eligibility determination requests shall be sent to the SBA district offices servicing those firms in the competitive range;



## Procuring Agency's Responsibilities (cont.)

- Each agency shall retain the responsibility for compliance with all applicable provisions of the FAR and any of its own regulations, unless a deviation is obtained.
- Each agency shall provide a copy of any contract, as defined in FAR § 2.101, including basic contracts, orders, modifications, and purchase orders, executed under this PA to the SBA servicing district office within 15 working days of the date of award.

## Procuring Agency's Responsibilities (cont.)

- Each agency shall provide all proposed joint ventures involving 8(a) Participants to SBA for approval before contract award.
- Each agency's contracting officer is responsible for monitoring 8(a) firm's compliance in accordance with the Limitations on Subcontracting FAR clause at 52.219-14.

## Contract Execution

The agency's contracting officer may make direct award of a contract to the 8(a) Participant, but only after the requirement has been offered to and accepted by SBA. Contract execution shall be on the appropriate form specified in the FAR 19.8 or the agency's regulations.

## Conditions of the Partnership Agreement

- Contracts that have not been offered to and accepted by SBA into the 8(a) BD program cannot be used for an agency's negotiated goals.
- SBA reserves the option to suspend or rescind the authority of the Partnership Agreement with an agency for failure to submit copies of award and modification documents within 15 working days of award to SBA.



## 8(a) Joint Venture Entities

- Due to the integration of Government-wide procurement systems, the Dynamic Small Business Search (DSBS) System has been modified to identify 8(a) joint ventures.
- This effort will allow procuring agencies to receive 8(a) credit for awards made to 8(a) joint venture entities.



## Agency Surveillance Reviews

- SBA has recently transferred the responsibility for conducting agency surveillance reviews from the SBA District Offices to SBA's Office of Government Contracting.



# *SBA's 8(a) Program: All About Partnerships*

FAR 19.8

## SBA quick reference: Whom to contact for what

1. SBA government contracting area offices
2. SBA district offices
3. SBA headquarters
4. SBA procurement center representatives

## SBA Mission

Maintain and strengthen the nation's economy by aiding, counseling, assisting and protecting the interests of small businesses and by helping families and businesses recover from national disasters.

### 1. Financing and bonding

<http://www.sba.gov/financing/index.html>

### 2. Counseling and technical assistance

<http://www.sba.gov/aboutsba/sbaprograms/ed/index.html>

### 3. Fair access to Federal contracts and subcontracts



## Quick reference: Referrals to SBA area offices\*

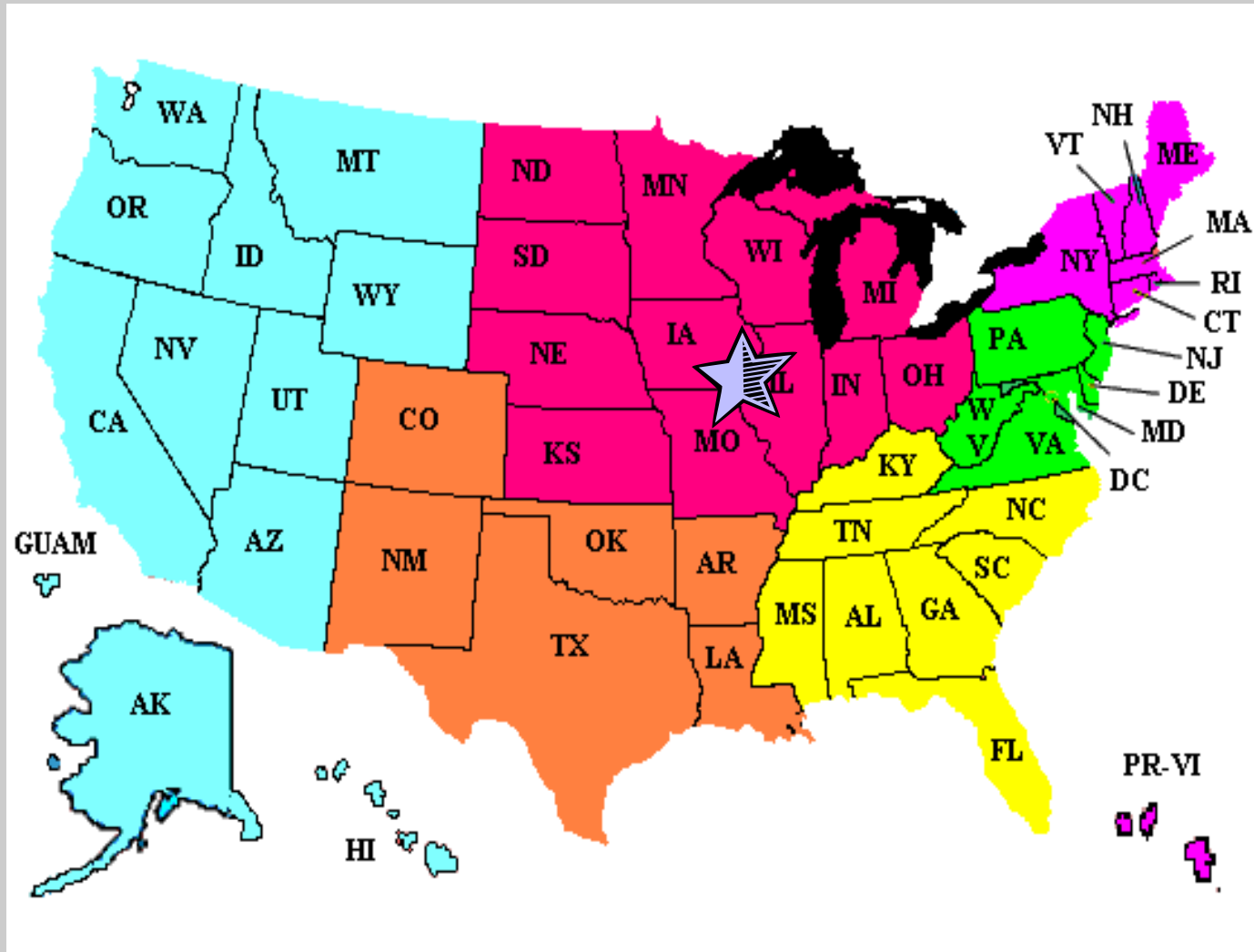
1. Size protests (with recertification)  
FAR 19.302  
13 CFR 121.1001  
13 CFR 121.1010
2. Certificate of competency  
FAR 19.6  
13 CFR 125.5
3. COC Limitations on subcontracting compliance  
FAR 19.601  
13 CFR 125.6(f)
4. Closest PCR (procurement center representative)  
FAR 19.402  
13 CFR 125.2(b)(3)  
13 CFR 125.2(b)(3)
5. Locating closest CMR\*\*\* (commercial market representative) for subcontracting and ESRS matters  
13 CFR 125.3

\* To locate SBA area offices and closest SBA PCR see:

<http://www.sba.gov/aboutsba/sbaprograms/gc/contacts/index.html>

\*\*\* CMRs: [http://www.sba.gov/aboutsba/sbaprograms/gc/contacts/gc\\_cmr.html](http://www.sba.gov/aboutsba/sbaprograms/gc/contacts/gc_cmr.html)

## SBA Government Contracting Areas



[http://www.sba.gov/aboutsba/sbaprograms/gcbd/GC\\_PCRD1.html](http://www.sba.gov/aboutsba/sbaprograms/gcbd/GC_PCRD1.html)

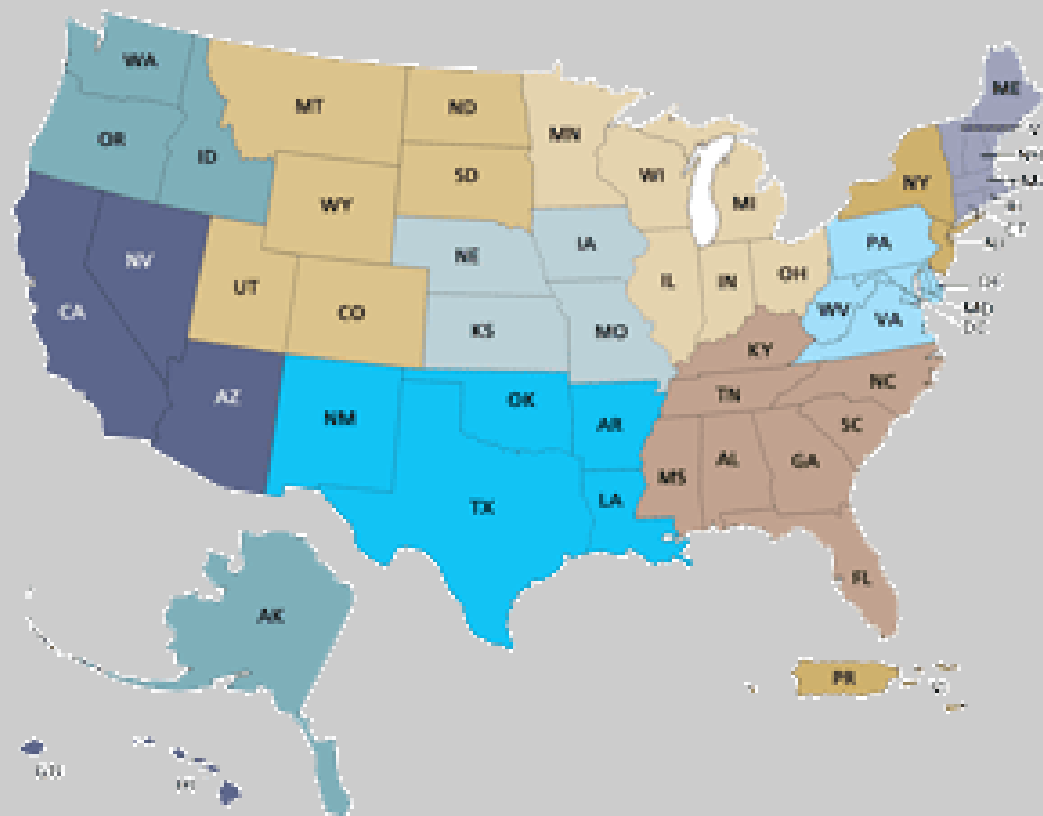


## Quick reference: Referrals to SBA district offices\*\*

1. 8(a) project offering to servicing SBA office  
FAR 19.804-2  
13 CFR 124.502
2. 8(a) project appeals  
FAR 19.810  
13 CFR 124.505

\*\* To locate SBA servicing office, check Dynamic Small Business Search at [www.ccc.gov](http://www.ccc.gov) and then local resources at <http://www.sba.gov/localresources/index.html>

## SBA District Offices



<http://www.sba.gov/localresources/index.html>

## Quick reference: Referrals to SBA headquarters

1. HUBZone status protests FAR 19.306  
13 CFR 126.801
2. NAICS code appeal FAR 19.30 3  
13 CFR 121.1103
3. Nonmanufacturer rule waivers  
FAR 19.102(f)(1)-(7)  
13 CFR 121.1204
4. SDVOSB status protest FAR 19.307  
13 CFR 125.23

## Quick reference: Referrals to SBA PCRs\*

1. SBA PCR coordination records  
FAR 19.501(b)  
13 CFR 125.2
2. Small business set-aside appeals  
FAR 19.505  
13 CFR 125.2(b)(7)
3. HUBZone set-aside appeals  
FAR 19.1305  
FAR 19.1306  
13 CFR 126.61
4. SDVOSB set-aside appeal  
FAR 19.1405  
FAR 19.1406  
13 CFR 125.22
5. Reporting bundling to SBA (MATOCs)  
FAR 19.202-1(e)(1)  
13 CFR 125.2

\* To locate SBA area offices and closest SBA PCR see:

<http://www.sba.gov/aboutsba/sbaprograms/gc/contacts/index.html>

Quick reference: Referrals to SBA PCR<sup>s</sup>\*

6. SBA subcontracting plan reviews-copies

FAR 19.705-5(3)  
13 CFR 125.2(b)(6)(iii)  
FAR 19.705-6(c)  
13 CFR 125.2(b)(6)(iii)(C)

7. SBA subcontracting program review

FAR 19.707(4)  
13 CFR 125.2(b)(6)(iii)(C)

8. Small business TFD

FAR 49.402-3 (e)(4))  
(Termination for default)

\* To locate SBA area offices and closest SBA PCR see:

<http://www.sba.gov/aboutsba/sbaprograms/gc/contacts/index.html>

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### Test drive of Ready Talk:

- ◆ We email copies of the PowerPoint upon request.
- ◆ If listening in groups, email participant names and email addresses in Excel for 1102 credit – within a week of training.

*“An investment in knowledge pays the best interest.”*

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